

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

v.

MIGUEL CARDONA, in his official capacity
as
Secretary of Education; and UNITED
STATES DEPARTMENT OF EDUCATION,
Defendants.

No. 5:24-cv-00461-HE

DECLARATION OF KARSON MERRELL

I, Karson Merrell, hereby declare as follows:

1. I am 23 years old, and a lifelong resident of Edmond, Oklahoma. I am also a registered member of the Cherokee Nation.
2. I attended Edmond Santa Fe High School, a public school in Edmond, Oklahoma, from 2016 to 2019. I played golf for Edmond Santa Fe for four years. For my sophomore, junior, and senior years, I was the top-ranked female golfer at Edmond Santa Fe. Our team made it to the state tournament those three years. Individually, I finished ninth in the state tournament my sophomore year, and fourteenth in the state tournament my senior year.
3. I was a member of the varsity cheerleading squad at Edmond Santa Fe, as well. My sophomore and junior years, our cheerleading squad placed fifth at the state tournament, and my senior year we got third place at the state tournament.
4. In high school, I was offered a scholarship to attend Southwestern Christian University in Bethany, Oklahoma, to play on the women's golf team. For sports, Southwestern is currently a member of the National Association of Intercollegiate Athletics (NAIA), along with other Oklahoma schools like Langston University, Mid-America Christian University, Oklahoma City University, Oklahoma Panhandle State University, and the University of

Arts and Sciences of Oklahoma. I accepted the scholarship, and played four years of college golf at Southwestern, from 2019 to 2023. Our home golf course was Lincoln Park Golf Course, a public course in Oklahoma City. Due to the COVID-19 pandemic, my college golf career was a bit chaotic, but I still enjoyed it thoroughly.

5. I graduated from Southwestern in December 2023 with a bachelor's degree in human services. I currently work as a full-time nanny while I study to obtain my Registered Behavior Technician (RBT) certification so that I can work with children with autism.
6. None of this would have happened if it hadn't been for Title IX and the opportunities it has given to female athletes. My dad is an avid golfer, who truly loves the sport. Ever since I can remember he told me that, from the moment I was born, he knew that I was going to play golf. He steered me in that direction because of Title IX, because there were so many opportunities in female sports—and especially less publicized female sports such as golf—for women to obtain scholarships to go to college. And so I grew up loving golf, and playing it constantly. I hit thousands and thousands of balls, day in and day out, which you have to do to get the swing that feels natural to you. It was mentally exhausting, at times, but it's so incredibly rewarding when you get that one shot that feels just right. And that shot is what makes you want to keep coming back for more and more.
7. I oppose efforts that would permit males identifying as females to join women's sports or utilize our locker rooms and restrooms. Surely these efforts shouldn't be approved under Title IX, which has done so much for women in sports and otherwise.
8. For sports, the genetics between men and women are just different. Males and females have a different muscular make-up and they grow differently. In golf, I have played numerous rounds of golf with men and women. Men are able to put certain amounts of strength into

hitting a golf ball that women just cannot match. Indeed, men and women even swing the golf club way differently. A man's swing is more violent; men use all their muscle and weight that they have, which is substantial. Women are not big or strong enough to do that, as a general rule. We tend to use a more angular swing, with a wider stance. Just because someone feels that they are different, they shouldn't be able to switch over to women's sports, because physically they are different.

9. These physical differences are widely recognized in golf. Collegiately, I played from the white tee boxes, which are about 25 to 30 yards ahead of the black tees, where the men played. In high school, the boys played from the white tees, while the girls played from the red tees, which were about 15 to 20 yards in front of the white tees. These weren't just our preferences, they were the rules of the tournaments, associations, and organizations in which we played. The tees were set proportionately to what the average woman successfully drives. Even now, after graduating, when I play with men, I play from the white tee boxes and they play from the black tees. That tends to even things out. If I start out 25 yards or so ahead, our drives will usually wind up in the same spot.
10. None of this is an insult to women. It's not a dig on me or my skills. Men are bigger than me, they weigh more than me, and they have more muscle mass than me. That's just reality. I feel like one problem we're having is that people think keeping the sports strictly separate bashes female athletes and their skills, and it's not that at all. It's about fairness. In golf, if men and women start from the same spot, in the same competition, women are going to get beat. You're going to end up with women's golf being a male-dominated sport. If we're not careful, it's going to end in a lot of defeats for girls.
11. I am also deeply troubled about the possibility of opening women's locker rooms and other

intimate facilities to men. My main concern is for the mental health of young girls. This approach could cause a lot of confusion and fear. It causes fear, in that girls would not be able to trust their surroundings. And they would not be able to trust other female athletes and coaches who allow this to happen. Or they have to go somewhere else to change, excluding them from a place where they are supposed to feel safe.

12. When I first started becoming aware of this issue, back in 2022, all I could think about was being in a locker room for cheer or golf and being forced to accept a man changing right next to me, and how frightening that would be. And that was me as a college student. I can't even imagine being a young girl and having to change with a boy or a man. I think about how fragile I was between 13 and 19, that's such an insane time for girls, and if you are being told that "this is just how it goes" and to "just accept it" when there is someone who is not genetically a woman changing in front of you, that is just unacceptable. I fully believe that this is damaging to a young girl's mind and how she views her body.
13. It's also a safety issue, in my view, with the danger of assault increasing when men who identify as women are given access to what were previously private spaces for women. It potentially opens the door to a wide range of problematic issues.

I declare under penalty of perjury that the above statements are true and correct. Executed this 5th day of July, 2024, in Edmond, Oklahoma.

/s/ Karson Merrell

Karson Merrell

**I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.*

/s/ Zach West

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